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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ivan de Jesus LOPEZ-Garcia** Defendant.	Magistrate Case No. **'07 MJ 2772** **COMPLAINT FOR VIOLATION OF** Title 8, U.S.C., Sec. 1324(a)(2)(B)(iii) - Bringing in Alien(s) Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on or about **November 28, 2007**, within the Southern District of California, defendant **Ivan de Jesus LOPEZ-Garcia**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Yuan Zhong ZHU** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF NOVEMBER 2007

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Yuan Zhong ZHU,** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **November 28, 2007** at approximately **5:26 PM, Ivan de Jesus LOPEZ-Garcia (Defendant)** made application for admission into the United States driving a white Chevy Avalanche at the San Ysidro Port of Entry. Defendant presented his valid Laser Visa card (B1/B2) to a Customs and Border Protection (CBP) Officer and declared he was not bringing anything from Mexico. Defendant additionally stated that he owned the vehicle and that he was going to Chula Vista to visit his sister. Upon primary inspection of the vehicle, the CBP Officer discovered an unusual metal cut covered with duct tape in the area adjacent to the gas tank. The CBP Officer also noticed a strong gasoline odor emanating from the vehicle. The vehicle and its occupant were escorted to the secondary area for further inspection.

In secondary, a CBP Canine Officer screened the vehicle with his assigned canine. The CBP Canine Officer received an alert from his canine on the driver's side of the vehicle. CBP Officers discovered a non-factory compartment located under the rear seat of the vehicle. The CBP Officer had to unlatch the rear seat to gain access to a floor metal plate located underneath. Upon removal of the metal plate, the CBP Officers gained access to a modified gas tank. CBP Officers removed one individual from within the non-factory gas tank compartment of the vehicle. The individual is now identified as **Yuan Zhong ZHU (Material Witness)**. Material Witness was determined to be a citizen of China without entitlements to enter, pass-through, or reside in the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted a person nicknamed "Santi" provided him with the vehicle, the vehicle's registration, and a Mexican driver's license. Defendant also admitted knowledge to a person concealed in the vehicle. Defendant stated "Santi" was going to pay him $500.00 (USD) for smuggling the unknown individual into the United States. Defendant stated he was going to drive the vehicle to Palm Avenue in south San Diego. Defendant further stated he knows it is illegal to smuggle individuals into the United States.

A videotaped interview was conducted with Material Witness. Material Witness stated he is a citizen of China and that he made the arrangements with an unknown man for him to be smuggled into the United States for $70,000.00 (USD). Material Witness stated he intended to travel to an unknown location in the United Sates to seek employment.